

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**EZRA LEE COMPTON and
GREGORY HAWKINS,**

Plaintiffs,

VS.

**MUNILLA CONSTRUCTION
MANAGEMENT, L.L.C. d/b/a MCM,**

Defendant.

§ § § § § § § § § § § § § § §

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS:

Pursuant to provisions of 28 U.S.C. § 1446, PLEASE TAKE NOTICE that Defendant Munilla Construction Management, LLC d/b/a MCM (“MCM”) hereby removes Case No. DC-14-02425, filed in Dallas County District Court, H-160th District, and all claims and causes of action therein, to the United States District Court for the Northern District of Texas, Dallas Division. As grounds for removal, MCM respectfully states as follows:

I. COMMENCEMENT AND SERVICE

1. On March 10, 2014, plaintiffs Ezra Lee Compton and Gregory Hawkins filed suit against defendant MCM in the 160th District Court, Dallas County, Texas, styled *Ezra Lee Compton and Gregory Hawkins v. Munilla Construction Management, L.L.C. d/b/a MCM*, Cause No. DC-14-02425 (the “Petition”). On May 9, 2014, plaintiffs filed the First-Amended Petition in this matter (“First-Amended Petition”).

2. On May 30, 2014, plaintiffs served the First-Amended Petition on the Secretary of State for the State of Texas as MCM's agent for service of process. *See* Document 8 to the concurrently-filed Index of State Court Pleadings at ¶ 3; *see also* Document 11 to the Index of

State Court Pleadings (Return of Service of Summons). Although the First-Amended Petition was received by the Texas Secretary of State on May 30, 2014, the Secretary of State did not forward the First-Amended Petition until June 4, 2014 via certified mail. *See* Declaration of Daniel F. Munilla in support of Defendant's Notice of Removal filed herewith ("Munilla Decl.") at ¶ 3 and Exhibit "A" thereto. The First-Amended Petition, along with the correspondence from the Texas Secretary of State forwarding same, was received by MCM on June 10, 2014. Munilla Decl. at ¶ 3 and Exhibit "B" thereto.

3. This Notice of Removal is timely filed within thirty days of the receipt of the First-Amended Petition by MCM. 28 U.S.C. § 1446(b); *see also* *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 348 (1999) (holding that a named defendant's time to remove is triggered by simultaneous service of the summons and complaint, or receipt of the complaint, "through service or otherwise," after and apart from service of the summons.) Though the removal inquiry is a matter of federal law, "service of process" is defined by state law. *See City of Clarksdale v. BellSouth Telecommunications, Inc.*, 428 F.3d 206, 210 (5th Cir. 2005). As to notice, courts generally agree that the thirty-day period for removal begins after receipt by the named defendant of the complaint and not simply after service on the statutory agent. *Simpson v. JIK Cayman Bay Exch. LLC*, 2014 U.S. Dist. LEXIS 30245, *6-7 (N.D. Tex. Mar. 7, 2014) (emphasis added); *see also* *Barrackman v. Banister*, 2007 U.S. Dist. LEXIS 4310, *1 (S.D. Tex. Jan 22, 2007); *Med. Staffing Network, Inc. v. Health Care Capital Inc.*, 2004 U.S. Dist. LEXIS 23213, *1 (N.D. Tex. Nov. 16, 2004).

II. GROUNDS FOR REMOVAL – DIVERSITY JURISDICTION

4. MCM is entitled to remove the state court action to this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, because this action is a civil action involving an amount in controversy exceeding \$75,000.00 between parties with complete diversity of citizenship.

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A. The Amount in Controversy Exceeds the Federal Minimum Jurisdictional Requirements

5. Under 28 U.S.C. § 1332(a), district courts have original jurisdiction where the matter in controversy exceeds the sum of \$75,000.00, exclusive of costs and interest. Moreover, when a plaintiff pleads for trebling of damages and controversy exceeds \$75,000. *See Dow Agrosciences, LLC v. Bates*, 332 F.3d 323, 326 (5th Cir. 2003); *White v. FCI USA, Inc.*, 319 F.3d 672, 675 (5th Cir. 2003). Here, plaintiffs contend in the First-Amended Petition that they seek monetary relief well over the \$75,000.00 diversity jurisdiction minimum – indeed, they seek over one million dollars (\$1,000,000.00) in damages. *See* Document 8 to the Index of State Court Pleadings at ¶ 4.

B. There is Complete Diversity Between the Properly Joined Parties

6. Further, there is complete diversity between the parties here. Under the diversity statute, corporations “shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and the State or foreign state where it has its principal place of business...” 28 U.S.C. § 1332(c)(1).

7. Plaintiffs allege in the First-Amended Petition that they are individuals who resided in the state of Texas at the time of the incidents which form the basis of their lawsuit. *See* Document 8 to the Index of State Court Pleadings at ¶ 2.

8. MCM is a Florida limited liability company with its principal place of business located at 6201 SW 70th Street, Second Floor, in South Miami, Florida. *See* Document 8 to the Index of State Court Pleadings at ¶ 3; *see also* Munilla Decl. at ¶ 4. South Miami, Florida is where MCM’s officers direct, control, and coordinate MCM’s business activities. *See* Munilla Decl. at ¶ 4; *see, e.g., Hertz Corp. v. Friend*, 559 U.S. 77, 80-81 (2010) (“the phrase ‘principal place of

business' refers to the place where the corporation's high level officers direct, control and coordinate the corporation's activities.").

9. MCM is authorized to transact and is transacting business within the State of Texas and this judicial district. *See* Munilla Decl. at ¶ 5.

10. No change in the citizenship of MCM has occurred since the commencement of the state court action. Thus, because plaintiffs and MCM are from different states, complete diversity of citizenship exists, and the first prong of 28 U.S.C. § 1332(a) is satisfied.

11. Accordingly, because the amount in controversy exceeds \$75,000.00 and because plaintiffs are citizens of Texas, whereas MCM's principal place of business is in Florida, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332. Removal is therefore proper.

III. VENUE

12. Venue properly lies in the United States District Court for the Northern District of Texas because plaintiffs filed the state court action in this judicial district and division. *See* 28 U.S.C. §§ 1441, 1446.

IV. NOTICE

13. This Notice of Removal will be filed with the 160th District Court, in Dallas County, and a copy of this Notice of Removal will also be served on the Plaintiffs.

V. STATE COURT PLEADINGS

14. In accordance with Local Rule 81.1, attached is an index of all documents that clearly identifies each document and indicates the date the document was filed in state court; attached as Documents 1 through 12 to the Index of State Court Pleadings is each document filed in the state court action, except discovery material, individually tabbed and arranged in chronological order

according to the state court file date. Also attached is a copy of the Judge's Docket sheet in the state court action. Also, in accordance with Local Rule 81.1, MCM has filed contemporaneously with this Notice a civil cover sheet, a supplemental civil cover sheet, and a separately signed Certificate of Interested Persons that complies with Local Rule 3.1(f) and Fed. R. Civ. P. 7.1.

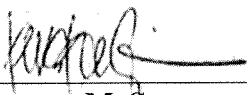
VI. PRAYER

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, MCM files this Notice of Removal with the United States District Court for the Northern District of Texas, and hereby seeks to remove this action from Dallas County District Court.

Respectfully submitted,

GORDON & REES LLP

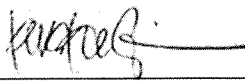
By: _____


KIRSTIE M. SIMMERMAN
Texas Bar No. 24083858
2100 Ross Avenue, Suite 2800
Dallas, Texas 75201
(214) 231-4660 Telephone
(214) 461-4053 Facsimile
ksimmerman@gordonrees.com

**ATTORNEYS FOR DEFENDANT,
MUNILLA CONSTRUCTION
MANAGEMENT, L.L.C. D/B/A MCM**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 2nd day of July, 2014, with a copy of this document via the Court's CM /ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.



KIRSTIE M. SIMMERMAN

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EZRA LEE COMPTON and
GREGORY HAWKINS,

Plaintiffs,

VS.

**MUNILLA CONSTRUCTION
MANAGEMENT, L.L.C. d/b/a MCM,**

Defendant.

CIVIL ACTION NO. _____

**DECLARATION OF DANIEL F. MUNILLA IN SUPPORT OF DEFENDANT MUNILLA
CONSTRUCTION MANAGEMENT, L.L.C. d/b/a MCM'S NOTICE OF REMOVAL**

I, Daniel F. Munilla, declare as follows:

1. I am a licensed Florida attorney and employed by Munilla Construction Management, LLC ("MCM"), a defendant in this action. I am Corporate Counsel with MCM, and my office is located in MCM's corporate headquarters at 6201 SW 70th Street, Second Floor, South Miami, Florida 33143. I have been employed MCM as Corporate Counsel since January 15, 2014, but have served as its counsel on multiple matters since January 2010.

2. In my role as Corporate Counsel, I am familiar with MCM's business practices, policies and procedures in providing building and construction services. I am also familiar with MCM's books, records and computer databases regularly kept in the course and scope of conducting its business. I have knowledge of the facts stated in this declaration, and if called as a witness, could and would competently testify to these facts.

3. In this particular instance I have access to the stamped copy of the petition received by MCM and the Service of Process transmittal. Attached to the Notice of Removal and marked as Exhibit A is a true and correct copy of the First Amended Petition received by the Texas

Secretary of State on behalf of MCM. The First Amended Petition was not forwarded to MCM by the Texas Secretary of State until June 4, 2014, and was not received by MCM until June 10, 2014. A true and correct copy of the correspondence from the Texas Secretary of State, along with the return receipt date-stamped by MCM, are attached hereto as Exhibits "A" and "B."

4. MCM is a Florida limited liability company with its principal place of business located at 6201 SW 70th Street, Second Floor, South Miami, Florida. South Miami, Florida is where MCM's member-managers direct, control, and coordinate MCM's business activities.

5. MCM is authorized to transact and is transacting business within the State of Texas and this judicial district.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed this 2nd day of July, 2014 at South Miami, Florida.

A handwritten signature in black ink, appearing to read 'DM', is written over a horizontal line.

Daniel F. Munilla
Florida Bar No. 72238

Corporate Counsel
Munilla Construction Management, LLC
dmunilla@mcm-us.com
DL: (305) 740-1007

EXHIBIT A

The State of Texas



Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-0873
TTY (800) 735-2989
www.sos.state.tx.us

Secretary of State

June 4, 2014

MUNILLA CONSTRUCTION
MANAGEMENT LLC DBA MCM
6201 Southwest 70th Street FL 2
South Miami, FL 33143

2014-240647-1
Include reference number in
all correspondence

RE: EZRA COMPTON, ET AL VS. MUNILLA CONTRUCTION MANAGEMENT LLC
160th Judicial District Court Of Dallas County, Texas
Cause No: DC1402425

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on May 30, 2014.

CERTIFIED MAIL #71901046470100326506

Refer correspondence to:

Robert L Ranco
The Carlson Law Firm P C
11606 N. IH-35
Austin, TX 78753

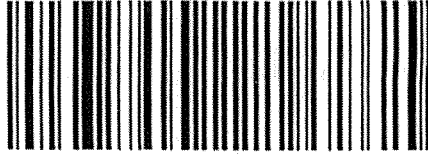
Sincerely,

A handwritten signature in cursive script that reads "Helen Lupercio".

Helen Lupercio
Team Leader, Service of Process
CT/mo
Enclosure

EXHIBIT B

Secretary of State
Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

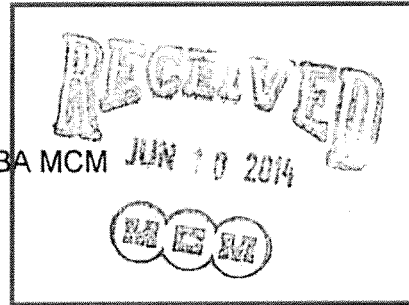


7190 1046 4701 0032 6506

Return Receipt (Electronic)

2014240647-1

MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM
6201 Southwest 70th Street FL 2
South Miami, FL 33143



CUT / FOLD HERE

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**EZRA LEE COMPTON and
GREGORY HAWKINS,**

Plaintiffs,

vs.

**MUNILLA CONSTRUCTION
MANAGEMENT, L.L.C. d/b/a MCM,**

Defendant.

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CAUSE NO. _____

INDEX OF STATE COURT PLEADINGS

DOCUMENT	DATE	DESCRIPTION
1	03/10/2014	Original Petition
2	03/10/2014	Case Filing Cover Sheet
3	03/10/2014	Issue Citation
4	03/24/2014	Request for Service / Compton Cover Letter
5	04/11/2014	Request for Service / Cover Letter re Reissuance of Citation
6	04/11/2014	Issue Citation
7	04/16/2014	Return (Non-Service)
8	05/09/2014	Amended Petition
9	05/12/2014	Issue Citation serving Office of Secretary of State
10	05/28/2014	Return (Non-Service)
11	06/06/2014	Return (Service)
12	06/23/2014	Plaintiff's Notice of Change of Address

DOCUMENT 1

CAUSE NO. DC-14-02425

Pointer Tonya

EZRA LEE COMPTON and
GREGORY HAWKINS,
PLAINTIFFS,

v.

MUNILLA CONSTRUCTION
MANAGEMENT, LLC d/b/a MCM,
DEFENDANT.§ IN THE DISTRICT COURT
§
§
§
§ OF DALLAS COUNTY, TEXAS
§
§
§ H-160TH JUDICIAL DISTRICT**PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME EZRA LEE COMPTON and GREGORY HAWKINS, hereafter referred to as "Plaintiffs," in the above entitled and numbered cause, complaining of and against MUNILLA CONSTRUCTION MANAGEMENT, LLC d/b/a MCM hereafter "Defendant" or "MCM" and for cause of action would show unto the Court the following:

A. DISCOVERY LEVEL

1. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 190.1, Plaintiff intends to conduct discovery in this case under Level 3 as prescribed by TEXAS RULE OF CIVIL PROCEDURE 190.4.

B. PARTIES & SERVICE OF CITATION

2. Plaintiffs are individuals who resided in Dallas County, Texas at the time of the incidents which form the basis of this lawsuit. Plaintiffs may be contacted through their attorneys' office.

3. Defendant, MUNILLA CONSTRUCTION MANAGEMENT, LLC, d/b/a MCM, is a foreign corporation organized and existing under the laws of the State of

Florida. This Defendant may be served through its registered agent for service, Pedro R. Munilla, 110 West Sandy Lake, Suite 102-193, Coppell, Texas 75019, by constable.

JURISDICTION & VENUE

C. This suit is brought in accordance with the laws of the State of Texas, for the recovery of damages which are in excess of the minimal jurisdictional limits of this Court, to which Plaintiffs are entitled to receive as compensation for the injuries described below. Specifically, Plaintiff seeks monetary relief over one million dollars (\$1,000,000.00). The incidents made the basis of this lawsuit occurred in Dallas County, Texas. Accordingly, this Court has jurisdiction over this matter and Dallas County is the proper venue pursuant to §15.032 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

D. FACTUAL BACKGROUND

7. Plaintiffs were employees of the Defendant at all times relevant to the matters made the basis of this suit.

8. In late 2012, or the early months of 2013, the Defendant, by and through its supervisors working at its principle place of business in the Dallas area, offered a program to its employees, including the Plaintiffs, whereby the employees could purchase certain benefits from AFLAC, a supplementary health provider. The benefits would be supplied by AFLAC, by way of payroll deductions made by the Defendant from the employees' paychecks.

9. Both Plaintiffs attended an informational meeting at the company and enrolled in the program, or so they were led to believe. This belief was confirmed in the

minds of the Plaintiffs when they saw the deductions for AFLAC printed on their paystubs.

10. Thereafter, the Defendant took money out of each Plaintiff's paycheck over the period of several months.

11. Several months after enrolling in the program each Plaintiff was injured. Plaintiff Compton sustained an injury to his hand, requiring amputation of a digit, and Plaintiff Hawkins sustained a knee injury, requiring surgery. Each injury sustained by the Plaintiffs were the types of injuries for which the purported AFLAC policies would have paid benefits.

12. When each Plaintiff, independently, presented their claims to AFLAC they were informed that the Defendant had never forwarded the payroll deductions to AFLAC and that they did not, in fact, have any AFLAC policy in place at the time of their injuries, despite having made payments by way of payroll deductions, handled by the Defendant, for several months.

E. RESPONDEAT SUPERIOR

12. At all times material hereto, all of the agents, servants or employees of Defendant that were in any way connected to this suit were acting within the scope of their employment or official duties and in furtherance of the duties of their office or employment.

F. BREACH OF FIDUCIARY DUTY

13. Plaintiff alleges that the Defendant breached its fiduciary duty to the Plaintiffs. The Defendant had a fiduciary relationship with each Plaintiff. The Defendant breached its duty to each Plaintiff. The Plaintiffs suffered damages as a result of the

breach as they were denied benefits under the AFLAC policy that was never purchased, or was canceled, due to the actions of the Defendant.

G. CONVERSION

14. Plaintiffs allege that the Defendant converted the Plaintiffs' property, specifically their money, that the Defendant failed to forward to AFLAC. The money that the Defendants withheld from the Plaintiffs was the rightful property of the Plaintiffs. The Defendant wrongfully exercised dominion or control over the property. As a result of the Defendant's actions, the Plaintiffs suffered financial injury.

H. TORTIOUS INTERFERENCE WITH EXISTING CONTRACT

15. Plaintiffs allege that the Defendant tortuously interfered with an existing contract. Specifically, Plaintiffs believe they had a contract with AFLAC that would have supplied them with certain financial benefits, but because of the Defendant's actions, the Plaintiffs were denied those benefits. The Defendant willfully and intentionally interfered with these contracts. The interference by the Defendant proximately caused the Plaintiffs' injury. The Plaintiffs incurred actual damage or loss as a result of the Defendant's actions.

I. TORTIOUS INTERFERENCE WITH PROSPECTIVE RELATIONS

16. In the event that the Plaintiffs did not have a valid contract with AFLAC at the time of the Defendant's actions, the lack of a contract resulted from the Defendant's tortuous interference with the prospective relations between the Plaintiffs and AFLAC. There was reasonable probability that the Plaintiff would have entered into a business relationship with AFLAC. The Defendant intentionally interfered with the relationship.

The Defendant's conduct was independently tortious. The interference proximately caused the Plaintiffs' injuries. The Plaintiffs suffered actual damage or loss.

J. COMMON LAW FRAUD

17. Plaintiffs allege that the Defendant committed fraud by their actions in taking the Plaintiffs' money, by failing to provide them with the benefit for which they thought they were paying, i.e., the AFLAC policy. The Defendant made a material representation to the Plaintiffs. The representation was false. When the Defendant made the representation the Defendant knew it was false, and/or the representation was made recklessly. The Defendant made the representation with the intent that the Plaintiffs act on it. The Plaintiff relied on the representation. The representation caused the Plaintiff injury.

J. DAMAGES

18. Plaintiffs allege that as a direct and/or producing and or proximate result of the conduct of the Defendant, Plaintiff is entitled to recover at least the following damages:

- a. Economic Damages;
- b. Exemplary damages;
- b. All other actual damages;
- c. Reasonable and necessary attorney's fees;
- f. Costs of court;
- g. Pre-judgment and post-judgment interest; and
- h. All other relief to which Plaintiff is entitled.

K. REQUEST FOR DISCLOSURE

19. Pursuant to Rule 194, you are requested to disclose within 50 days of this request, the information and material described in Rule 194.2 of the Texas Rules of Civil Procedure.

PRAYER

WHEREFORE, Plaintiffs respectfully request that the Defendant be duly cited to appear and answer herein and that, upon final trial of this cause, Plaintiff recover judgment against the Defendants for Plaintiffs damages within the jurisdictional limits of this court; for actual and exemplary damages; for costs of court; for pre- and post-judgment interest as allowed by law; all reasonable and necessary attorney's fees; and for such other further relief; both general and special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,

THE CARLSON LAW FIRM, P.C.
11606 N. IH-35
Austin, Texas 78753
Phone: 512-346-5688
Fax: 512-527-0398

By: 

Robert L. Ranco
SBN: 24029785
Attorney for Plaintiff

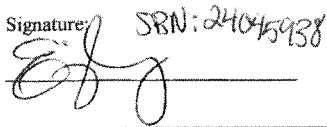
DOCUMENT 2

CAUSE NUMBER (FOR CLERK USE ONLY): COURT (FOR CLERK USE ONLY):

STYLED EZRA LEE COMPTON AND GREGORY HAWKINS V MUNILLA CONSTRUCTION MANAGEMENT, LLC D/B/A MCM

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: Robert L. Ranco Address: 11606 N. IH-35 City/State/Zip: Austin, TX 78753 Signature:  SRN: 24045938 Email: rranco@carlsonattorney.com Telephone: 512-346-5688 Fax: 512-719-4362 State Bar No: 24029785		Names of parties in case: Plaintiff(s)/Petitioner(s): Ezra Lee Compton and Gregory Hawkins Defendant(s)/Respondent(s): Munilla Construction Management, LLC d/b/a/d/b/a MCM [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health <input type="checkbox"/> Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					

- ☐ Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
- ☐ Less than \$100,000 and non-monetary relief
- ☐ Over \$100,000 but not more than \$200,000
- ☐ Over \$200,000 but not more than \$1,000,000
- ☐ Over \$1,000,000

Rev 2/13

DOCUMENT 3

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: MUNILLA CONSTRUCTION MANAGEMENT LLC D/B/A MCM
BY SERVING ITS REGISTERED AGENT PEDRO R MUNILLA
110 WEST SANDY LAKE SUITE 102-193
COPELL TX 75019**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **160th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiffs being **EZRA LEE COMPTON AND GREGORY HAWKINS**

Filed in said Court **10th day of March, 2014** against

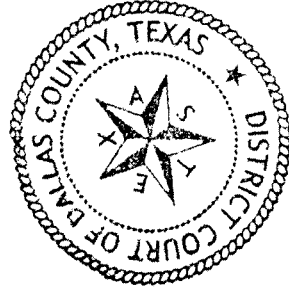
MUNILLA CONSTRUCTION MANAGEMENT LLC

For Suit, said suit being numbered **DC-14-02425**, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition **REQUEST FOR DISCLOSURE**,
a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 27th day of March, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas

By , Deputy
CRYSTAL MCDOWELL



DC - 14 - 02425
CIT - IS
ISSUE CITATION
499383



SHF 4

CITATION

DC-14-02425

**EZRA LEE COMPTON, ET AL
vs.**

**MUNILLA CONSTRUCTION
MANAGEMENT LLC**

ISSUED THIS

27th day of March, 2014

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By: CRYSTAL MCDOWELL, Deputy

Attorney for Plaintiffs

ROBERT RANCO
THE CARLSON LAW FIRM PC
3410 FARWEST BLVD STE 235
AUSTIN TX 78731
512-346-5688

DALLAS COUNTY CONSTABLE

FEEES

FEES NOT

PAID

PAID

OFFICER'S RETURN

Case No. : DC-14-02425

Court No.160th District Court

Style: EZRA LEE COMPTON, ET AL

vs.

MUNILLA CONSTRUCTION MANAGEMENT LLC

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M. Executed at _____
within the County of _____ at _____ o'clock _____ M. on the _____ day of _____
20_____, by delivering to the within named _____

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County.
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

DOCUMENT 4

CRAIG W. CARLSON[†]
STEVEN N. WALDEN⁺
JARED STENBERG¹⁹⁷¹⁻²⁰¹⁰
EDNA G. ELIZONDO
VICKI L. CARLSON
ROBERT L. RANCO
MICHAEL G. ERSKINE

DREW GIBBS
KATHRYN L. KNOTTS
CASSANDRA F. CHARLES
JULIE PESCHIEL
SAVANNAH N. STROUD
RENEE M. KUHL
FRANCISCO MORALES²
R. BRUCE PHILLIPS³
SCOTT R. CRIVELLI⁴
NATHAN P. KENNEDY⁵
L. TODD KELLY⁶
STEPHEN S. DUMMITT
DOMINIC M.V. BRAUS
ROBERTO FLORES
JAMES E. STEPHENSON⁷
MSTISLAV TALavera
KENT KIRKPATRICK
ELIZABETH A. RHODES
TAD ALLEN
EMELY M. YOUNG
KLAIRA Y. MARTINEZ

11606 N. IH-35
AUSTIN, TEXAS 78753
PHONE (512) 346-5688
FAX (512) 719-4362

March 24, 2014

VIA E-FILE

Gary Fitzsimmons
Dallas County District Clerk
600 Commerce Street, Suite 103
Dallas, Texas 75202

Re: Compton et al. v Munilla Construction Management, LLC
Cause No. DC-14-02425
In the H-160th Judicial District
Dallas County, Texas

Dear Clerk,

I'm respectfully requesting that you print a copy of the Petition for service previously paid with the initial filing on this case. Should you have any questions, please contact my Legal Assistant, Carlos Rodriguez at 512-346-5688.

Sincerely,

Robert L. Ranco

RLR/cr

AUSTIN
3410 FAR WEST BOULEVARD
SOUTH AUSTIN
2800 SOUTH INTERSTATE 35
BRYAN/COLLEGE STATION
1121 BRIARCREST DRIVE
KILLEEN
400 WEST JASPER ROAD
LAREDO
5112 McPHERSON
ROUND ROCK
1111 NORTH INTERSTATE 35
SAN ANTONIO
6100 BANDERA ROAD
SOUTH SAN ANTONIO
618 SOUTHWEST MILITARY DRIVE
TEMPLE
3000 SOUTH 31ST STREET
WACO
1105 WOODED ACRES DRIVE

* BOARD CERTIFIED
PERSONAL INJURY TRIAL LAW
BY THE TEXAS BOARD OF LEGAL
SPECIALIZATION

LICENSED IN
† TEXAS & NEBRASKA
+ TEXAS & GEORGIA
° TEXAS & NORTH CAROLINA
✓ TEXAS, OKLAHOMA & MISSOURI
² TEXAS & NEW YORK
² TEXAS & COLORADO
Z ARKANSAS FEDERAL COURT
✓ TEXAS, OKLAHOMA, VIRGINIA
& PENNSYLVANIA
† TEXAS & OHIO

ALL OTHER ATTORNEYS
ARE LICENSED IN TEXAS

DOCUMENT 5

CRAIG W. CARLSON†
STEVEN N. WALDEN+
JARED STENBERG 1971 – 2010
EDNA G. ELIZONDO
VICKI L. CARLSON
ROBERT L. RANCO
MICHAEL G. ERSKINE
DREW GIBBS
KATHRYN L. KNOTTS
CASSANDRA F. CHARLES
JULIE PESCHEL
SAVANNAH N. STROUD
RENEE M. KUHLE
FRANCISCO MORALES*
R. BRUCE PHILLIPS*
SCOTT R. CRIVELLI¹¹
NATHAN P. KENNEDY¹²
L. TODD KELLY¹³
STEPHEN S. DUMMITT
DOMINIC M.V. BRAUS
ROBERTO FLORES
JAMES E. STEPHENSON¹⁴
MSTISLAV TALavera
KENT KIRKPATRICK
ELIZABETH A. RHODES
TAD ALLEN
EMILY M. YOUNG
KIARA Y. MARTINEZ

AUSTIN
11606 NORTH INTERSTATE 35
SOUTH AUSTIN
2800 SOUTH INTERSTATE 35
BRYAN/COLLEGE STATION
1121 BRIARCREST DRIVE
KILLEEN
400 WEST JASPER ROAD
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TEMPLE
3000 SOUTH 31ST STREET
WACO
1105 WOODED ACRES DRIVE

* BOARD CERTIFIED
PERSONAL INJURY TRIAL LAW
BY THE TEXAS BOARD OF LEGAL
SPECIALIZATION

LICENSED IN
† TEXAS & NEBRASKA
+ TEXAS & GEORGIA
™ TEXAS & NORTH CAROLINA
11 TEXAS, OKLAHOMA & MISSOURI
12 TEXAS & NEW YORK
13 TEXAS & COLORADO
14 ARKANSAS FEDERAL COURT
15 TEXAS, OKLAHOMA, VIRGINIA
& PENNSYLVANIA
16 TEXAS & OHIO

ALL OTHER ATTORNEYS
ARE LICENSED IN TEXAS

THE CARLSON LAW FIRM, P.C.

11606 N. IH-35
AUSTIN, TEXAS 78753
PHONE (512) 346-5688
FAX (512) 719-4362

Smith Gay

April 11, 2014

Gary Fitzsimmons
Dallas County District Clerk
600 Commerce Street,
Dallas, Texas 75202

RE: Compton et al v. Munilla Construction Management, L.L.C.
Cause No. DC-14-02425
In the 16th Judicial District
Dallas County, Texas

Dear Clerk,

Please reissue citation for Defendant Munilla Construction Management L.L.C. to be served through its registered agent Pedro R. Munilla, 110 West Sandy Lake, Suite 102-193, Coppell, Texas 75019. It will be picked up by private process server, Direct Results Legal Services.

Sincerely,

Robert L. Ranco

Robert L. Ranco

DOCUMENT 6

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: **MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM
BY SERVING REGISTERED AGENT PEDRO R MUNILLA
110 WEST SANDY LAKE SUITE 102-193
COPELL TX 75019**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **160th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **EZRA LEE COMPTON ET AL**

Filed in said Court **10th day of March, 2014** against

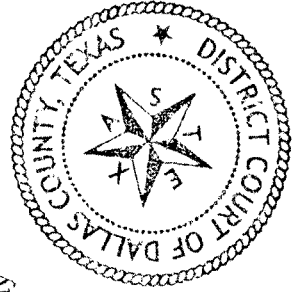
MUNILLA CONSTRUCTION MANAGEMENT LLC

For Suit, said suit being numbered **DC-14-02425**, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition **REQUEST FOR DISCLOSURE**.
a copy of which accompanies this citation. If this citation is not served, it shall be returned
unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 16th day of April, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas

By: 
GARY SMITH, Deputy



ATTY

CITATION

DC-14-02425

EZRA COMPTON, et al

vs.

**MUNILLA CONSTRUCTION
MANAGEMENT LLC DBA MCM**

ISSUED THIS

16th day of April, 2014

GARY FITZSIMMONS

Clerk District Courts,
Dallas County, Texas

By: GAY SMITH, Deputy

Attorney for Plaintiff

ROBERT RANCO

3410 FARWEST BLVD

SUITE 235

AUSTIN TX 78731

512-346-5688

DALLAS COUNTY CONSTABLE

**FEES
PAID**

**FEES NOT
PAID**

OFFICER'S RETURN

Case No. : DC-14-02425

Court No. 160th District Court

Style: EZRA COMPTON, et al

vs.

MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____ M. Executed at _____
within the County of _____ at _____ o'clock _____ M. on the _____ day of _____
20____ by delivering to the within named _____

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____.
to certify which witness my hand and seal of office.

Notary Public _____ County _____

DOCUMENT 7

OFFICER'S RETURN

Case No. : DC-14-02425
 Court No. 160th District Court
 Style: EZRA LEE COMPTON, ET AL
 vs.

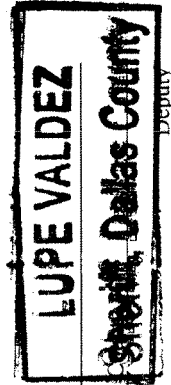
MUNILLA CONSTRUCTION MANAGEMENT LLC

Came to hand on the 28 day of may, 20 14, at 9:10 o'clock a.M. Executed at 110 W Sunday Lake
 within the County of Dallas at 8:44 o'clock a.M. on the 9 day of Apr
 20 14, by delivering to the within named
Bed. Address



each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ 75
 For mileage \$ _____
 For Notary \$ _____



(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20 _____

to certify which witness my hand and seal of office.

Notary Public _____ County _____

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: MUNILLA CONSTRUCTION MANAGEMENT LLC D/B/A **CM531**
BY SERVING ITS REGISTERED AGENT PEDRO R MUNILLA
110 WEST SANDY LAKE SUITE 102-193
COPELL TX 75019

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **160th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiffs being **EZRA LEE COMPTON AND GREGORY HAWKINS**

Filed in said Court **10th day of March, 2014** against

MUNILLA CONSTRUCTION MANAGEMENT LLC

For Suit, said suit being numbered **DC-14-02425**, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition **REQUEST FOR DISCLOSURE**,
a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 27th day of March, 2014.

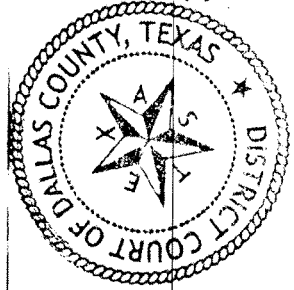
ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas

By: *Crystal McDowell*, Deputy
CRYSTAL MCDOWELL

ROUTE CLERK: *[Signature]*

DATE ENTRY CLERK:

DISPOSITION CLERK:



SHF 4

CITATION

DC-14-02425

EZRA LEE COMPTON, ET AL
vs.
MUNILLA CONSTRUCTION
MANAGEMENT LLC

ISSUED THIS
27th day of March, 2014
GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By: CRYSTAL MCDOWELL, Deputy

Attorney for Plaintiffs

ROBERT RANCO
THE CARLSON LAW FIRM PC
3410 FARWEST BLVD STE 235
AUSTIN TX 78734
512-346-5688

DALLAS COUNTY CONSTABLE

FEES PAID
FEES NOT PAID

DOCUMENT 8

Sacheen Anthony

CAUSE NO: DC-14-02425

EZRA LEE COMPTON and	§	IN THE DISTRICT COURT
GREGORY HAWKINS,	§	
PLAINTIFFS,	§	
	§	
V.	§	OF DALLAS COUNTY, TEXAS
	§	
MUNILLA CONSTRUCTION	§	
MANAGEMENT, L.L.C. d/b/a MCM,	§	
DEFENDANT.	§	IN THE H-160TH JUDICIAL DISTRICT

PLAINTIFFS' FIRST AMENDED PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME EZRA LEE COMPTON and GREGORY HAWKINS, hereafter referred to as "Plaintiffs," in the above entitled and numbered cause, complaining of and against MUNILLA CONSTRUCTION MANAGEMENT, LLC d/b/a MCM hereafter "Defendant" or "MCM" and for cause of action would show unto the Court the following:

A. DISCOVERY LEVEL

1. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 190.1, Plaintiff intends to conduct discovery in this case under Level 3 as prescribed by TEXAS RULE OF CIVIL PROCEDURE 190.4.

B. PARTIES & SERVICE OF CITATION

2. Plaintiffs are individuals who resided in Dallas County, Texas at the time of the incidents which form the basis of this lawsuit. Plaintiffs may be contacted through their attorneys' office.

3. Defendant, MUNILLA CONSTRUCTION MANAGEMENT, LLC, d/b/a MCM, is a foreign corporation organized and existing under the laws of the State of Florida whose home office address is 6201 Southwest 70th Street FL 2, South Miami Florida, 33143.

This Defendant may be served through the Texas Secretary of State at 1019 Brazos Street, Room 105, Austin, Texas 78701, as its agent for service because defendant has one or more resident agents for service of process in Texas, and two unsuccessful attempts have been made on different business days to serve the registered agent.

C. JURISDICTION & VENUE

4. This suit is brought in accordance with the laws of the State of Texas, for the recovery of damages which are in excess of the minimal jurisdictional limits of this Court, to which Plaintiffs are entitled to receive as compensation for the injuries described below. Specifically, Plaintiff seeks monetary relief over one million dollars (\$1,000,000.00). The incidents made the basis of this lawsuit occurred in Dallas County, Texas. Accordingly, this Court has jurisdiction over this matter and Dallas County is the proper venue pursuant to §15.032 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

D. FACTUAL BACKGROUND

5. Plaintiffs were employees of the Defendant at all times relevant to the matters made the basis of this suit.

6. In late 2012, or the early months of 2013, the Defendant, by and through its supervisors working at its principle place of business in the Dallas area, offered a program to its employees, including the Plaintiffs, whereby the employees could purchase certain benefits from AFLAC, a supplementary health provider. The benefits would be supplied by AFLAC, by way of payroll deductions made by the Defendant from the employees' paychecks.

7. Both Plaintiffs attended an informational meeting at the company and enrolled in the program, or so they were led to believe. This belief was confirmed in the minds of

the Plaintiffs when they saw the deductions for AFLAC printed on their paystubs.

8. Thereafter, the Defendant took money out of each Plaintiff's paycheck over the period of several months.

9. Several months after enrolling in the program each Plaintiff was injured. Plaintiff Compton sustained an injury to his hand, requiring amputation of a digit, and Plaintiff Hawkins sustained a knee injury, requiring surgery. Each injury sustained by the Plaintiffs was the types of injuries for which the purported AFLAC policies would have paid benefits.

10. When each Plaintiff, independently, presented their claims to AFLAC they were informed that the Defendant had never forwarded the payroll deductions to AFLAC and that they did not, in fact, have any AFLAC policy in place at the time of their injuries, despite having made payments by way of payroll deductions, handled by the Defendant, for several months.

E. RESPONDEAT SUPERIOR

12. At all times material hereto, all of the agents, servants or employees of Defendant that were in any way connected to this suit were acting within the scope of their employment or official duties and in furtherance of the duties of their office or employment.

F. BREACH OF FIDUCIARY DUTY

13. Plaintiff alleges that the Defendant breached its fiduciary duty to the Plaintiffs. The Defendant had a fiduciary relationship with each Plaintiff. The Defendant breached its duty to each Plaintiff. The Plaintiffs suffered damages as a result of the breach as

they were denied benefits under the AFLAC policy that was never purchased, or was canceled, due to the actions of the Defendant.

G. CONVERSION

14. Plaintiffs allege that the Defendant converted the Plaintiffs' property, specifically their money, that the Defendant failed to forward to AFLAC. The money that the Defendants withheld from the Plaintiffs was the rightful property of the Plaintiffs. The Defendant wrongfully exercised dominion or control over the property. As a result of the Defendant's actions, the Plaintiffs suffered financial injury.

H. TORTIOUS INTERFERENCE WITH EXISTING CONTRACT

15. Plaintiffs allege that the Defendant tortiously interfered with an existing contract. Specifically, Plaintiffs believe they had a contract with AFLAC that would have supplied them with certain financial benefits, but because of the Defendant's actions, the Plaintiffs were denied those benefits. The Defendant willfully and intentionally interfered with these contracts. The interference by the Defendant proximately caused the Plaintiffs' injury. The Plaintiffs incurred actual damage or loss as a result of the Defendant's actions.

I. TORTIOUS INTERFERENCE WITH PROSPECTIVE RELATIONS

16. In the event that the Plaintiffs did not have a valid contract with AFLAC at the time of the Defendant's actions, the lack of a contract resulted from the Defendant's tortious interference with the prospective relations between the Plaintiffs and AFLAC. There was reasonable probability that the Plaintiff would have entered into a business relationship with AFLAC. The Defendant intentionally interfered with the relationship.

17. The Defendant's conduct was independently tortious. The interference proximately caused the Plaintiffs' injuries. The Plaintiffs suffered actual damage or loss.

J. COMMON LAW FRAUD

18. Plaintiffs allege that the Defendant committed fraud by their actions in taking the Plaintiffs' money, by failing to provide them with the benefit for which they thought they were paying, i.e., the AFLAC policy. The Defendant made a material representation to the Plaintiffs. The representation was false. When the Defendant made the representation the Defendant knew it was false, and/or the representation was made recklessly. The Defendant made the representation with the intent that the Plaintiffs act on it. The Plaintiff relied on the representation. The representation caused the Plaintiff injury.

J. DAMAGES

19. Plaintiffs allege that as a direct and/or producing and or proximate result of the conduct of the Defendant, Plaintiff is entitled to recover at least the following damages:

- a. Economic Damages;
- b. Exemplary damages;
- b. All other actual damages;
- c. Reasonable and necessary attorney's fees;
- f. Costs of court;
- g. Pre-judgment and post-judgment interest; and
- h. All other relief to which Plaintiff is entitled.

K. REQUEST FOR DISCLOSURE

Pursuant to Rule 194, you are requested to disclose within 50 days of this request, the information and material described in Rule 194.2 of the Texas Rules of Civil Procedure.

PRAYER

WHEREFORE, Plaintiffs respectfully request that the Defendant be duly cited to appear and answer herein and that, upon final trial of this cause, Plaintiff recover judgment against the Defendants for Plaintiffs damages within the jurisdictional limits of this court; for actual and exemplary damages; for costs of court; for pre- and post-judgment interest as allowed by law; all reasonable and necessary attorney's fees; and for such other further relief; both general and special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

THE CARLSON LAW FIRM, P.C.

11606 N. IH-35

Austin, Texas 78753

Telephone: (512) 346-5688

Fax: (512) 719-4362

By: 

Robert L. Ranco

SBN: 24029785

Rranco@carlsonattorneys.com

DOCUMENT 9

FORM NO. 353-4—CITATION
THE STATE OF TEXAS

To: MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM
BY SERVING THE SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE
CITATIONS UNIT - P.O. BOX 12079
AUSTIN, TX, 78711

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **FIRST AMENDE** petition, a default judgment may be taken against you.

Your answer should be addressed to the clerk of the **160th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said **PLAINTIFF** being **EZRA LEE COMPTON**

Filed in said Court 9th day of May, 2014 against

MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM

For suit, said suit being numbered **DC-14-02425** the nature of which demand is as follows:

Suit On **OTHER (CIVIL)** etc.

as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

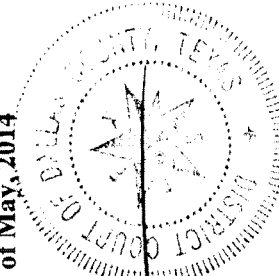
Given under my hand and the Seal of said Court at office on **this the 12th day of May, 2014**

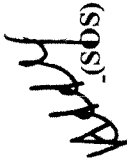
ATTEST: GARY FITZSIMMONS

Clerk of the District Courts of Dallas, County, Texas

By


SACHEEN ANTHONY, Deputy




(SBS)

CITATION

No.: DC-14-02425

EZRA COMPTON, ET AL
VS.

MUNILLA CONSTRUCTION
MANAGEMENT LLC

ISSUED

ON THIS THE 12TH DAY OF MAY, 2014

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By SACHEEN ANTHONY, Deputy

Attorney for : Plaintiff
ROBERT RANCO
3410 FARWEST BLVD
SUITE 235
AUSTIN TX 78731
512.346.5688

DALLAS COUNTY CONSTABLE
FEES
FEES NOT
PAID

**OFFICER'S RETURN
FOR INDIVIDUALS**

Cause No. DC-14-02425

Court No: 160th District Court

Style: EZRA COMPTON, et al
vs.

MUNILLA CONSTRUCTION MANAGEMENT LLC

Received this Citation the _____ day of _____, 20____ at _____ o'clock. Executed at _____, within the County of _____, at _____ o'clock, by _____ each in person, a copy of this Citation together with the accompanying copy of Plaintiff's original delivering to the within named _____ State of _____ petition, having first indorsed on same the date of delivery.
-----000000-----

**OFFICER'S RETURN
FOR CORPORATIONS**

Received this Citation the _____ day of _____, 20____ at _____ o'clock ____ M. Executed at _____, within the County of _____, on the _____ day of _____, at _____ o'clock ____ M. by summoning the within named Corporation, _____ by delivering to _____ President - Vice President - Registered Agent - in person, of the said _____

a true copy of this citation together with the accompanying copy of Plaintiff's FIRST AMENDED original petition, having first indorsed on same the date of delivery.
-----000000-----

The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness by my hand.

For Serving Citation	\$ _____	Sheriff _____
For Mileage	\$ _____	County of _____
For Notary	\$ _____	State of _____
Total Fees	\$ _____	By _____

(Must be verified if served outside the State of Texas)

State of _____ before me this _____
County of _____ Signed and sworn to me by the said _____
day of _____, 20____, to certify which witness my hand and seal of office.

Seal

State & County of _____

DOCUMENT 10

ORIGINAL

FORM NO. 353-3 - CITATION
THE STATE OF TEXAS

To: MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM
BY SERVING REGISTERED AGENT PEDRO R MUNILLA
110 WEST SANDY LAKE SUITE 102-193
COPELL TX 75019

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 160th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being EZRA LEE COMPTON ET AL

Filed in said Court 10th day of March, 2014 against

MUNILLA CONSTRUCTION MANAGEMENT LLC

For Suit, said suit being numbered DC-14-02425, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition **REQUEST FOR DISCLOSURE**,
a copy of which accompanies this citation. If this citation is not served, it shall be returned
unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 16th day of April, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas

By Gary Smith, Deputy
GARY SMITH

DRLS CTH 4-22-2014 @ 5:13 P.M.

516 West Annie St.
Austin, Texas 78704
8/15

Service Fee \$172.00



FILED

MAY 28 2014

GARY FITZSIMMONS
DIST. CLERK, DALLAS COUNTY, TEXAS

ATTY

CITATION

DC-14-02425

EZRA COMPTON, et al

vs.

MUNILLA CONSTRUCTION
MANAGEMENT LLC DBA MCM

ISSUED THIS

16th day of April, 2014

GARY FITZSIMMONS

Clerk District Courts,
Dallas County, Texas

By: GAY SMITH, Deputy

Attorney for Plaintiff

ROBERT RANCO
3410 FARWEST BLVD
SUITE 235
AUSTIN TX 78731
512-346-5688

DALLAS COUNTY CONSTABLE

FEES

PAID

FEES NOT

PAID

RETURN (NON-SERVICE)

CAUSE NO. DC-14-02425

My name is Tod E. Pendergrass. I have personal knowledge of the statements contained herein and the facts are true and correct:

Came to hand the 22nd day of April, 2014, at 5:13 o'clock p.m.,

X Citation
X Plaintiff's Original Petition

NOT EXECUTED on Defendant, MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM, for the following reasons:

DATE COMMENTS:

4-23-2014 I attempted service by mailing a true copy of the process to Defendant's Registered Agent, PEDRO R MUNILLA, via U.S.P.S. certified mail, restricted delivery and return receipt requested, at the registered office address, 110 West Sandy Lake, Suite 102-193, Coppell, Texas 75019.

4-29-2014 I attempted service by mailing a true copy of the process to Defendant's Registered Agent, PEDRO R MUNILLA, via U.S.P.S. certified mail, (not restricted) return receipt requested, at the registered office address, 110 West Sandy Lake, Suite 102-193, Coppell, Texas 75019.

5-14-2014 The non-restricted parcel returned marked "Refused."

5-19-2014 The restricted parcel returned marked, "Return to Sender, Unclaimed, Unable to Forward."

I am over eighteen (18) years of age and not a party to or interested in the outcome of the above numbered cause. I am authorized to serve citations and other notices in this cause by Texas Supreme Court Order #SCH1660, exp. 11/30/2014. This return is attached to original process or a copy thereof. I declare under penalty of perjury that the foregoing is true.

Tod E. Pendergrass
 Printed Name of Server

DRLS, 516 W. Annie, Austin, Tx. 78704


Signature-

Re: Carlson/8115

VERIFICATION

STATE OF TEXAS, COUNTY OF TRAVIS

Before me, a notary public, on this day personally appeared the above named person, known to me, and subscribed to the foregoing document and, being by me first duly sworn, declared that the contents of the same are true and correct. Given under my hand and seal of office this 2nd day of July, 2014.


Notary Public Signature
State of TEXAS



DOCUMENT 11

RETURN

Came to hand on the 30th day of May, 2014, at 11:45 o'clock a.m.

- ☒ Citation
☒ Plaintiffs' First Amended Petition and Request for Disclosure
☒ \$55.00 fee payable to the Texas Secretary of State

Executed at 1019 Brazos, Austin, Texas 78701, within the County of Travis, on the 30th day of May, 2014, at 12:25 o'clock p. m., by delivering to the within named, MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM, by delivering to the Texas Secretary of State, by delivering in person to Helen Lupercio, agent authorized to accept service of process on behalf of the Texas Secretary of State, two true and correct copies of the above specified civil process, having first endorsed thereupon the date of delivery. I am over eighteen (18) years of age and not a party to or interested in the outcome of the above numbered cause. I am authorized to serve citations and other notices in this cause by Texas Supreme Court Order #SCH1660, exp. 11/30/2014. This return is attached to original process or a true copy thereof. I declare under penalty of perjury that the foregoing is true.

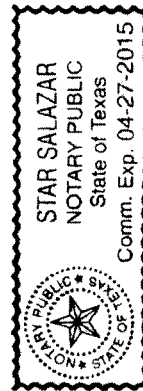
Tod E. Pendergrass

Printed Name of Process Server

Signature of Authorized Process Server
 DRLS, 516 W. Annie, Austin, Tx. 78704
 Re: Carlson/8243

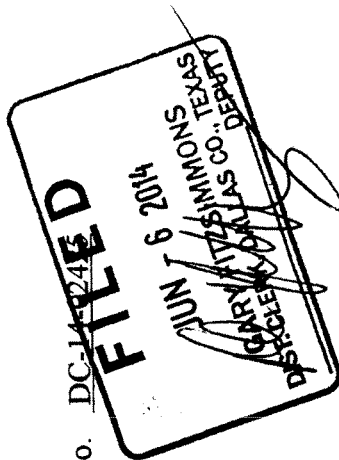
VERIFICATION
STATE OF TEXAS, COUNTY OF TRAVIS

Before me, a notary public, on this day personally appeared the above named person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements/facts therein contained are within his/her personal knowledge to be true and correct. Given under my hand and seal of office on the 2nd day of June, 2014.



Star Salazar
 NOTARY PUBLIC in and for the State of TEXAS

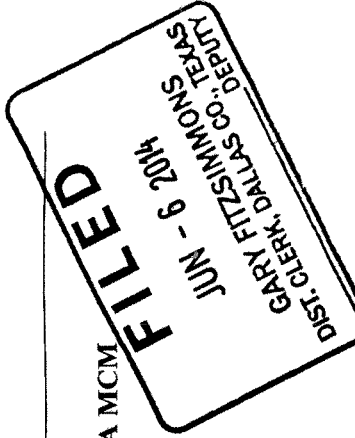
Cause No. DC-14-2443



ORIGINAL

FORM NO. 353-4—CITATION
THE STATE OF TEXAS

To: MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM
BY SERVING THE SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE
CITATIONS UNIT - P.O. BOX 12079
AUSTIN, TX, 78711



GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **FIRST AMENDE** petition, a default judgment may be taken against you.

Your answer should be addressed to the clerk of the **160th District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said PLAINTIFF being EZRA LEE COMPTON

Filed in said Court 9th day of May, 2014 against

MUNILLA CONSTRUCTION MANAGEMENT LLC DBA MCM

For suit, said suit being numbered **DC-14-02425** the nature of which demand is as follows:

Suit On **OTHER (CIVIL)** etc.

as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

Given under my hand and the Seal of said Court at office on this the **12th day of May, 2014**

ATTEST: GARY FITZSIMMONS

Clerk of the District Courts of Dallas, County, Texas

By SACHEEN ANTHONY, Deputy
Service Fee # 130.00
CTH 5-30-2014 11:45 Am

DRLS

516 West Annie St.

Austin, Texas 78704

8243

CITATION

No.: DC-14-02425

EZRA COMPTON, ET AL
VS.
MUNILLA CONSTRUCTION
MANAGEMENT LLC

ISSUED

ON THIS THE 12TH DAY OF MAY, 2014

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By SACHEEN ANTHONY, Deputy

Attorney for : Plaintiff
ROBERT RANCO
3410 FARWEST BLVD
SUITE 235
AUSTIN TX 78731
512.346.5688



DOCUMENT 12

CAUSE NO: DC-14-02425

EZRA LEE COMPTON and	§	IN THE DISTRICT COURT
GREGORY HAWKINS,	§	
PLAINTIFFS,	§	
	§	
V.	§	OF DALLAS COUNTY, TEXAS
	§	
MUNILLA CONSTRUCTION	§	
MANAGEMENT, L.L.C. d/b/a MCM,	§	
DEFENDANT.	§	IN THE H-160TH JUDICIAL DISTRICT

PLAINTIFF'S NOTICE OF CHANGE OF ADDRESS

Pursuant to TEXAS RULE OF CIVIL PROCEDURE 8, Robert L. Ranco notifies this Court and all parties to this case of his change of address and fax number effective immediately, as follows: THE CARLSON LAW FIRM, P.C., 11606 N. IH-35, Austin, Texas 78753, Facsimile (512) 719-4362.

Respectfully submitted,


THE CARLSON LAW FIRM, P.C.
11606 N. IH-35
Austin, Texas 78753
(512) 346-5688 Telephone
(512) 719-4362 Facsimile
rranco@carlsonattorneys.com

By: _____

Robert L. Ranco
SBN: 24029785

CERTIFICATE OF SERVICE

In conformity with TEXAS RULES OF CIVIL PROCEDURE 21 AND 21A, I hereby certify that a true and correct copy of the above and foregoing instrument was filed with Court on this 23rd day of June, 2014.



Robert L. Ranco

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REGISTER OF ACTIONS

CASE No. DC-14-02425

EZRA COMPTON, et al vs. MUNILLA CONSTRUCTION MANAGEMENT LLC

www.ck12.org

Case Type: OTHER (CIVIL)

Date Filed: 03/10/2014

Location: 160th District Court

PARTY INFORMATION

DEFENDANT	MUNILLA CONSTRUCTION MANAGEMENT LLC <i>DOING BUSINESS AS</i> MCM	Lead Attorneys
PLAINTIFF	COMPTON, EZRA LEE	ROBERT RANCO <i>Retained</i> 512-346-5688(W)
PLAINTIFF	HAWKINS, GREGORY	ROBERT RANCO <i>Retained</i> 512-346-5688(W)

EVENTS & ORDERS OF THE COURT

EVENTS & ORDERS OF THE COURT	
	OTHER EVENTS AND HEARINGS
03/10/2014	NEW CASE FILED (OCA) - CIVIL
03/10/2014	<u>ORIGINAL PETITION</u> <i>Original Petition</i>
03/10/2014	<u>CASE FILING COVER SHEET</u> <i>Case Filing Cover Sheet</i>
03/10/2014	<u>ISSUE CITATION</u>
03/24/2014	<u>REQUEST FOR SERVICE</u> <i>COVER LETTER TO THE COURT TO REQUEST COPY FEE</i>
03/27/2014	<u>CITATION</u> <i>CDM/SHF 4</i> MUNILLA CONSTRUCTION MANAGEMENT LLC
	Returned Unserved 04/16/2014 Returned 04/16/2014
04/09/2014	1ST DUE DILIGENCE ATTEMPT - SHF <i>BAD ADDRESS NO BUSINESS BY THAT NAME AT THAT ADDRESS</i>
04/11/2014	<u>REQUEST FOR SERVICE</u> <i>Request Reissuance of Citation</i>
04/11/2014	<u>ISSUE CITATION</u>
04/16/2014	<u>CITATION</u> <i>ATTY/ GDS</i> MUNILLA CONSTRUCTION MANAGEMENT LLC
	Returned Unserved 05/28/2014 Returned 05/28/2014
05/09/2014	<u>AMENDED PETITION</u> <i>Plaintiffs' First Amended Petition</i>
05/12/2014	<u>ISSUE CITATION COMM OF INS OR SOS</u>
05/12/2014	<u>CITATION SOS/COI/COH/HAG</u> MUNILLA CONSTRUCTION MANAGEMENT LLC
	Served 05/30/2014 Returned 06/06/2014
06/23/2014	NOTICE OF CHANGE OF ADDRESS

FINANCIAL INFORMATION

	PLAINTIFF COMPTON, EZRA LEE			
	Total Financial Assessment			386.00
	Total Payments and Credits			386.00
	Balance Due as of 07/02/2014			0.00
03/11/2014	Transaction Assessment			360.00
03/11/2014	CREDIT CARD - TEXFILE (DC)	Receipt # 13731-2014-DCLK	COMPTON, EZRA LEE	(360.00)
03/25/2014	Transaction Assessment			12.00
03/25/2014	CREDIT CARD - TEXFILE (DC)	Receipt # 16972-2014-DCLK	COMPTON, EZRA LEE	(12.00)
04/14/2014	Transaction Assessment			14.00
04/14/2014	CREDIT CARD - TEXFILE (DC)	Receipt # 21476-2014-DCLK	COMPTON, EZRA LEE	(14.00)
	PLAINTIFF HAWKINS, GREGORY			
	Total Financial Assessment			24.00
	Total Payments and Credits			24.00
	Balance Due as of 07/02/2014			0.00
05/09/2014	Transaction Assessment			24.00
05/09/2014	CREDIT CARD - TEXFILE (DC)	Receipt # 26845-2014-DCLK	HAWKINS, GREGORY	(24.00)

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Location : All District Civil Courts Help

[Questions and Answers on Images](#)**CASE NO. DC-14-02425****EZRA COMPTON, ET AL VS. MUNILLA CONSTRUCTION MANAGEMENT LLC**

Selected Event	Image	Page Count
03/10/2014 ORIGINAL PETITION	Compton. PS Original Petition.pdf	0

Other Events on This Case	Image	Page Count
03/10/2014 CASE FILING COVER SHEET	Compton.CCIS.pdf	0
03/10/2014 ISSUE CITATION	ISSUE CITATION	2
03/24/2014 REQUEST FOR SERVICE	Compton.Cover Letter.pdf	0
04/11/2014 REQUEST FOR SERVICE	3D43784-CL to CT re Reissuance of Cita.PDF	0
04/11/2014 ISSUE CITATION	ISSUE CITATION	2
05/09/2014 AMENDED PETITION	SKM_C454eNA14050818190.pdf	0
05/12/2014 ISSUE CITATION COMM OF INS OR SOS	ISSUE CITATION COMM OF INS OR SOS	2
06/23/2014 NOTICE OF CHANGE OF ADDRESS	NOTICE OF CHANGE OF ADDRESS	0

Other Images on This Case	Image	Page Count
04/16/2014 RETURN	MUNILLA CONSTRUCTION MANAGEMENT LLC - CITATION	3
05/28/2014 RETURN	MUNILLA CONSTRUCTION MANAGEMENT LLC - CITATION	3
06/06/2014 SERVICE	MUNILLA CONSTRUCTION MANAGEMENT LLC - CITATION SOS	2